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OFFICE OF PETITIONS

In re Application of

Jagannathan Shiva Shankar, et al.

Application No. 10/651,590 ON PETITION

Filed: August 29, 2003

Attorney Docket No. 50325-0788

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 23, 2008, requesting withdrawal of the aboveidentified application from issue.

The petition is dismissed, as the application has not been allowed.

A review of the file record fails to indicate that a Notice of Allowance and Fee(s) Due has been mailed, in accordance with 37 CFR 1.311. Accordingly, jurisdiction of the application remains with the primary examiner. See MPEP 1305. Since prosecution is not closed within the meaning of 37 CFR 1.114(b), the Request for Continued Examination (RCE) filed April 23, 2008, cannot be accepted.

Under the circumstances of this case, the \$130 petition fee and the \$810 RCE filing fee are being credited to counsel's deposit account.

The application is being referred to Technology Center AU 2143 for treatment of the Information Disclosure Statement filed on April 1, 2008.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

Petitions Examiner

Office of Petitions